

**2. Title**

Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations.

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

R307-343 regulates wood furniture manufacturers that have the potential to emit 25 tons or more of volatile organic compounds each year in any ozone nonattainment or maintenance area. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules ". . . regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source. . . ." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety. . . ."

**4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**

R307-343 was amended once since its last five-year review (effective 03/09/2007 DAR No. 29012). Five comments were received. COMMENT #1 (KraftMaid): R307-343-9(1) requires sources subject to R307-343 to follow the reporting requirements of 40 CFR Part 63, Subpart A, the general provisions of the federal Maximum Achievable Control Technologies (MACT) rule, which regulates hazardous air pollutants. KraftMaid is not subject to the MACT rule, and this reference is confusing. R307-343 already requires all the reports that are required by Subpart A, except for submittal of a compliance certification. We recommend that R307-343-9(1) be deleted, and that the requirement for a compliance certification be added to R307-343-6(4)(c). STAFF RESPONSE. Staff agreed and made the necessary changes to the rule text. COMMENT #2 (KraftMaid): The title of R307-343 is Ozone Nonattainment and Maintenance Areas: Emission Standards for Wood Furniture Manufacturing Operations, while R307-343-2, applicability, indicates the rule is applicable to sources located in any ozone nonattainment or maintenance area. Why are they different? STAFF RESPONSE. In the title of the rule, and is appropriate, because the rule is intended to regulate emissions in all areas where compliance with the ozone standard is difficult--that is, all ozone nonattainment and maintenance areas. R307-343-2 stresses that the rule applies to any individual source that is located in any nonattainment or maintenance area. However, to improve clarity, R307-343-1 was revised. COMMENT #3 (KraftMaid): R307-343-6(3)(d) still requires submittal of an initial compliance status report, though R307-343-9(2), which specifies the timetable to submit the report, is proposed for deletion. The new R307-343-9(2) addresses the semi-annual report, not the initial compliance status report. In addition, R307-343-10(2) requires submittal of the initial compliance status report within 60 days of initial startup. Because we are using a control device to comply, our Approval Order allows us up to 180 days to test the device, and we may have trouble complying within 60 days. We recommend that the deadline be extended to 180 days. STAFF RESPONSE. Staff agreed. Note that the compliance procedures for sources using a control device are specified in R307-343-6(2)(b), while procedures for other sources are found in R307-343-6(2)(a).

R307-343-9(1) was revised to address the initial compliance status report. COMMENT #4 (KraftMaid): The new R307-343-10(2) requires that the work practice implementation plan be submitted within 60 days of initial startup, while R307-343-6(3)(d) requires that the initial compliance status report state that the plan has been developed and implemented. Also, R307-343-5(1)(a) requires that the plan be available for inspection at all times, and that the executive secretary can require that the plan be modified if it does not adequately address the requirements of R307-343-5. We recommend that the requirement to submit the initial work practice implementation plan be submitted within 60 days be dropped. STAFF RESPONSE: Staff agreed that requiring the plan to be submitted within 60 days does not add much value; DAQ staff will inspect the new source regularly and can review the plan at that time. In reviewing this comment, staff believe that all of R307-343-10(2) can be deleted, as the initial compliance status report addressed in R307-343-10(2)(b) is now addressed in R307-343-9(1). The purpose of R307-343-10 is to set a deadline for sources that are located in an area that is designated nonattainment in the future, not to address sources that newly locate into an area that is already designated nonattainment or maintenance. Staff made the needed changes to the rule text. COMMENT #5 (Wasatch Clean Air Coalition): This rule makes frequent and interchangeable use of "volatile organic compound" and "VOC." Readability and clarity would be improved if VOC were used consistently after the initial volatile organic compound (VOC). STAFF RESPONSE: Staff agreed and made the changes throughout R307-326, R307-340 and R307-343. No other comments were received about this rule since the last review.

**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**

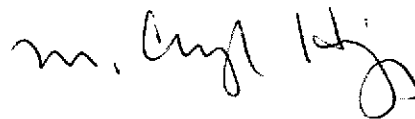
R307-343 limits the emissions of volatile organic compounds, a precursor to ozone, from wood furniture manufacturers in ozone nonattainment and maintenance areas. This rule is needed to ensure that emissions of air pollution do not harm public health. This rule outlines emissions standards for wood furniture manufacturing operations and should be continued. This rule is part of a proactive strategy to ensure that Salt Lake and Davis Counties continue to meet the ozone standard.

6. **key words:** air pollution, ozone, wood furniture, coatings

7. **attach document.**

**Agency head or designee, and title**

**Date**



2-23-07